

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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January 24, 2000 LB 509

between those people who don't want to go back to court and those people who are concerned that we might set some precedence in the future but it still involves the death penalty and it still means that we won't consider the issue of fairness. So I'm going to support the amendment and the bill.

SENATOR CUDABACK: Thank you, Senator Lynch. Senator Brashear, there are no further lights, so if you wish to close on the amendment to AM2074 to LB 509, you may.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. I urge the adoption of the amendment to the amendment. I believe that it follows a rule that I think applies to all of us. I believe it makes this bill better. I had some very wise and respected leaders tell me, when I jointed this body, you always vote to make a bill better. This amendment answers those who say if LB 509 passed it might apply retroactively. This takes the Nebraska Supreme Court decision, and that is the court we're supposed to follow, it takes the language of the 1977 rewrite in which we changed everything, so to speak, in the Criminal Code, takes that same language that found favor with that court, our court, when someone tried to apply it retroactively, and it applies it. It makes it a part of the bill. It would avoid any unintended consequence. Whether you're for the bill or against the bill, I believe this amendment is in the interest of justice, and that this amendment ought to be adopted. I urge you do to so. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. The question before the body is, shall the amendment to AM2074 to LB 509 be adopted? All those in favor vote aye, opposed nay. We are voting on the amendment to the amendment. Have you all voted who care to? Record, Mr. Clerk. We have a request for a record vote, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 390.) 25 ayes, 10 nays, Mr. President, on the amendment to the amendment.

SENATOR CUDABACK: The amendment to the amendment to LB 509 was adopted. Mr. Clerk, you may read some items for the record.